

REMARKS

Please reconsider and further examine this application.

The present amendment more particularly points out and distinctly claims the invention, and is fully supported by the underlying specification. No new matter is entered.

Hereby claims 16, 17, 19 & 20 are amended; claims 18 & 21-37 are canceled without prejudice or disclaimer, and claims 38-53 are added. Two independent claims are present, Nos. 16 & 50. Overall, claims 16, 17, 19, 20 & 38-53 are present.

No additional fee is currently due.

Submitted herewith is a Record of Interview. Please consider its recorded submissions on behalf of the Applicant in connection with the standing rejections.

As may apply to the present claims, the rejections set forth in Paper No. 2 are respectfully traversed.

Claims 17 & 20 have been amended to eliminate "or." Please, therefore, withdraw the rejections of these claims as set forth under 35 USC 112, second paragraph.

Claim 16 has been amended to include the limitation that the enclosed space be vented. Since Kopel describes a sealed system, inclusion of this limitation obviates the rejection of claims 16 & 17 as set forth over Kopel under 35 USC 102(b). Please, therefore, withdraw this rejection.

With respect to the rejection of claims 19 & 20 over Kopel in view of Gast, Jr., under 35 USC 103(a), the combination does not teach nor suggest to one of ordinary skill in the art the claimed embodiments under the meaning of Sec. 103(a).

Kopel, which discloses use of "one shot" of nitrogen in a sealed system of hydraulic lifters, does not teach nor suggest employment of nitrogen for use as an inert gas blanket in a vented environment. In particular, it does not teach nor suggest use of nitrogen to protect engine oil in the crankcase, nor does it teach nor suggest use of a membrane to provide the nitrogen. In fact, a vented system and use of a membrane device would by their nature be inoperable in the closed system of Kopel, and hence one would need to destroy the intent of the sealed system of Kopel to apply it to the present claims. That, however, is not permitted under Sec. 103(a). In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1983). Furthermore, relates to components in the power train of an engine; in contrast, the present claimed embodiments relate to lubricants, for example, as required in claim 20, engine oil.

Gast, Jr., which discloses preservation of perishable goods such as produce in a trailer or storage building, does not relate

to an internal combustion engine and its engine oil supply, the basic subject matter of the claims at issue, but for proper application it must be in the same field as the claimed invention and the primary reference or be reasonably related to the problem faced by the inventors of the present claimed subject matter: degradation of engine oil. Thus, it cannot be properly applied under the meaning of Sec. 103(a). Graham v. John Deere Co. of Kansas City, 148 USPQ 459, 467 (U.S. 1966) (claims to be at issue); In re Sernaker, 217 USPQ 1, 5 (Fed. Cir. 1983) (prior art references must be related to one another and related to claims); In re Laskowski, 10 USPQ2d 1397 (Fed. Cir. 1989) (if only suggestion comes from applicant, not motivation from prior art, and therefore not obviousness); In re Oetiker, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992) (for reliance on reference, it must be in field of applicant's endeavor or reasonably pertinent to the particular problem concerning inventor).

Moreover, a "20,000-mile" limitation as claimed in claim 20 is clearly not taught nor suggested elsewhere for an engine oil.

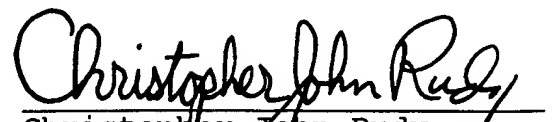
Please, therefore, withdraw this rejection.

Clearly, none of added claims 38-53 are described by any art of record as examination would show. With respect to claims 38-49, the members of the groups, particularly in claims 38-41, which represent vented systems required in each of claims 38-49, are not in the art; there are not described membrane-requiring methods of claims 42-45, nor is there described a method wherein gas enriched with nitrogen provides said inert gas blanket, and by-product gas enriched with oxygen is delivered for consumption to a location selected from the group consisting of another part of the machine and a passenger cabin space as required by claims 46-49. With respect to claims 50-53, no methods for controlling oxidative degradation of an engine oil in a crankcase of an internal combustion engine are elsewhere described.

Accordingly, the application is in condition for allowance. Nonetheless, the Examiner is invited to call the undersigned to discuss the case or to seek authorization for an Examiner's amendment.

A Notice of Allowance is solicited.

Respectfully,


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Dated: February 10, 2000 A.D.

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